

Montana Department of Natural Resources and Conservation  
Water Resources Division  
Water Rights Bureau

**ENVIRONMENTAL ASSESSMENT**  
**For Routine Actions with Limited Environmental Impact**

**Part I. Proposed Action Description**

1. Applicant/Contact name and address: Sunlight Ranch Co., PO Box 30825, Salt Lake City, UT 84130
2. Type of action: Application to Change an Existing Non-irrigation Water Right 430 30152542
3. Water source name: Little Bighorn River
4. Location affected by project: Sections 2, 3, 9, 10, 11, 15, 17, T9S, R34E Big Horn County
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits: The Applicant proposes to add a point of diversion that is a developed spring (Headquarters Spring) in the NWNWNW Section 15, T9S, R34E and change the place of use by adding the area of a feedlot in SW Section 3, T9S, R34E, a section of the Antler Ditch in NWSW Section 2, T9S, R34E, and seven stock tanks in Sections 3, 9, 10, and 11, T9S, R34E, Big Horn County. The new places of use are shown in the location map below. The Applicant proposes to use pumps at the new point of diversion at Headquarters Spring to fill a storage tank above the feedlot. The storage tank will gravity feed the feedlot and stock tanks. The Applicant proposes to continue use of the Antler Ditch at a decreased level. The flow rate in the Antler Ditch would be reduced by the 400 GPM that the Headquarters Spring pumps can attain. The DNRC shall issue a change authorization if an applicant proves the criteria in 85-2-402 MCA are met.
6. Agencies consulted during preparation of the Environmental Assessment:  
(include agencies with overlapping jurisdiction)  
Montana Department of Natural Resources and Conservation  
Montana Department of Fish, Wildlife and Parks  
Montana Department of Environmental Quality  
Montana Natural Heritage Program  
Montana Sage Grouse Habitat Conservation Program  
United States Fish and Wildlife Service  
United States Natural Resources Conservation Service

**Part II. Environmental Review**

1. **Environmental Impact Checklist:**

## PHYSICAL ENVIRONMENT

### **WATER QUANTITY, QUALITY AND DISTRIBUTION**

**Water quantity** - Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition. The Little Bighorn River is not listed as chronically or periodically dewatered by the Montana Department of Fish, Wildlife and Parks. The proposed change will not decrease the amount of water for any reach on the Little Bighorn River and will increase the amount of water in a short reach between the historical point of diversion and the added point of diversion.

*Determination:* No impact

**Water quality** - Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality. The Little Bighorn River is not listed as water quality impaired or threatened by the Montana Department of Environmental Quality. No change in the quantity of water used is proposed. Adding stock tanks to keep cattle out of ditches may positively impact water quality.

*Determination:* No significant impact

**Groundwater** - Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows. The project proposes a new point of diversion that is a developed spring. The Groundwater Change Report prepared by the Montana Department of Natural Resources and Conservation concludes that there will be no change to flows in the Little Bighorn River and that no wells will experience more than one foot of drawdown from the proposed project.

*Determination:* No impact

**DIVERSION WORKS** - Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction. The proposed project uses buried pipelines to feed the feed lot and proposed stock tanks. There will no impact to channels and no modification to flow patterns. There will be no construction of wells or dams and no disturbance of riparian areas. Because the pipelines are buried, there will be no barriers to wildlife or fish.

*Determination:* No impact

### **UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES**

**Endangered and threatened species** - Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact

*any threatened or endangered species or “species of special concern.”* According to the Montana Natural Heritage Program, there are no plant species of concern in the project area and only a single animal species of concern. The Black-tailed Prairie Dog is the only species of concern. The project area has been used for agriculture and will continue to be used for agriculture. No change in habitat is proposed. No barrier to migration or movement of wildlife will be created. The project is not in Sage Grouse Habitat as mapped by the Montana Sage Grouse Habitat Conservation Program.

*Determination: No impact*

**Wetlands** - *Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.* According to mapping by the US Fish and Wildlife Service, the only wetlands in the project area are emergent freshwater and riparian wetlands associated with the Little Bighorn River and local tributaries. No activity within any mapped wetlands is contemplated by the project.

*Determination: No impact*

**Ponds** - *For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.* There are no ponds within the project area and none are proposed.

*Determination: No impact*

**GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE** - *Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.* The use of a developed spring piped to a feed lot and stock tanks has little potential to degrade soil quality or alter stability. The water is not used for irrigation so can have no impact on saline seep. The soils in the area are variable according to mapping by the US Natural Resource and Conservation Service but have generally low slopes. Adding a point of diversion and stock tanks to a livestock watering system has no potential to alter soil moisture.

*Determination: No impact*

**VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS** - *Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.* Current vegetative cover consists of native grasses used for grazing. No changes to existing vegetative cover are proposed. Control of noxious weeds will be the responsibility of the land owner.

*Determination: No impact*

**AIR QUALITY** - *Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.* Adding a developed spring and stock tanks to an existing stock watering system has no potential to impact air quality.

*Determination: No impact*

**HISTORICAL AND ARCHEOLOGICAL SITES** - Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project if it is on State or Federal Lands. If it is not on State or Federal Lands simply state NA-project not located on State or Federal Lands. The project is not on State or Federal Lands

*Determination:* Not applicable

**DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY** - Assess any other impacts on environmental resources of land, water and energy not already addressed.

*Determination:* None recognized

## HUMAN ENVIRONMENT

**LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS** - Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals. There are no known local environmental plans or goals.

*Determination:* Not applicable

**ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES** - Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities. There are no recreational or wilderness areas close to the proposed project and no access roads cross the project area.

*Determination:* No impact

**HUMAN HEALTH** - Assess whether the proposed project impacts on human health. Adding a developed spring and stock tanks to an existing stock watering system has no potential to impact human health.

*Determination:* No impact

**PRIVATE PROPERTY** - Assess whether there are any government regulatory impacts on private property rights.

Yes\_\_\_ No X\_\_\_ If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.

*Determination:* Not applicable

**OTHER HUMAN ENVIRONMENTAL ISSUES** - *For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.*

*Impacts on:*

- (a) Cultural uniqueness and diversity? No significant impact
- (b) Local and state tax base and tax revenues? No significant impact
- (c) Existing land uses? No significant impact
- (d) Quantity and distribution of employment? No significant impact
- (e) Distribution and density of population and housing? No significant impact
- (f) Demands for government services? No significant impact
- (g) Industrial and commercial activity? No significant impact
- (h) Utilities? No significant impact
- (i) Transportation? No significant impact
- (j) Safety? No significant impact
- (k) Other appropriate social and economic circumstances? No significant impact

**2. *Secondary and cumulative impacts on the physical environment and human population:***

Secondary Impacts: No secondary impacts are recognized.

Cumulative Impacts: No cumulative impacts are recognized.

**3. *Describe any mitigation/stipulation measures:*** None

**4. *Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:*** The only reasonable alternative to the proposed project is the no action alternative. The no action alternative prevents the Applicant from using their property efficiently and has little or no environmental benefit over the proposed project.

***PART III. Conclusion***

**1. *Preferred Alternative:*** issue a change authorization if an applicant proves the criteria in 85-2-402 MCA are met.

2. **Comments and Responses:** None

3. **Finding:**

Yes\_\_\_ No\_\_**X**\_ Based on the significance criteria evaluated in this EA, is an EIS required?

*If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action:* The environmental assessment is the appropriate level of analysis because the assessment revealed no significant environmental impacts from the proposed project.

*Name of person(s) responsible for preparation of EA:*

*Name:* Mark Elison

*Title:* Regional Manager

*Date:* 2/18/2022